

## CONDITIONAL USE PERMITS

### (Initial Application and Amendments)

**Purpose:** The purpose of conditional use permits is to determine the appropriateness of uses which may only be suitable (a) in certain locations in a zoning district, (b) if designed or laid out in a particular manner, and/or (c) subject to specific conditions.

**Code Reference:** Fremont Municipal Code Title 8, Chapter 2, Article 25.

#### Submittal Requirements:

##### NOTE:

- Indicates an item which is always required.
- Indicates an item which may be required, depending on the project. The staff person who provides you this sheet will check (✓) the box if the item is required for your application.

- 1. A completed application form signed by:
  - a. The current property owner(s), authorizing the project proposal.
  - b. The billing party, acknowledging responsibility for charges.
- 2. A list of all consultants proposed to be involved with the project, or a statement that none are proposed to be involved.
- 3. Plans including the following items:
  - a. Vicinity map showing a one-half mile radius of the site.
  - b. Accurately dimensioned site plan showing:
    - (1) Property lines.
    - (2) Location, configuration and setbacks of all existing and proposed buildings and intended uses for the buildings and site, including occupancy classification and type of construction as defined in the Building Code.
    - (3) Parking, vehicle circulation areas and driveways.

- (4) Pedestrian ways and recreation areas, existing and proposed.
- (5) Development Reserve Boundary, Toe-of-the-Hill and Ridgeline, where applicable.
- (6) Fencing.
- (7) Easements on the property.
- (8) All fire hydrants within 300 feet of the project site.
- (9) All land uses surrounding the project site (may be listed on a separate sheet).
- ☐ c. Schematic landscape plan, new or modified.
- ☐ d. Elevations showing:
  - (1) Each side of all proposed buildings and/or existing buildings, and/or the sides proposed to be modified.
  - (2) Materials and colors to be used on each elevation.
- e. Floor plans, indicating all intended uses of each area.
- ☐ f. Tree survey plan showing location, species, caliper and base elevations of all existing trees with a trunk diameter of four inches or greater measured four feet above grade. Groves may be shown in an outline.
- ☐ g. Two copies of a current preliminary title report for projects that involve construction of a new building or expansion of an existing building footprint and/or new site improvements such as landscaping, special paving, utilities and accessory structures.
- 4. The number of plans to be submitted with the application are:
  - a. Nine (9) sets of full-sized plans, collated and folded to a size NO LARGER THAN 8" x 13".
  - b. One (1) set of the plans reduced to 11" x 17", collated and folded to 8 1/2" x 11".

After initial review of your project has been completed, your project planner will request you submit the following materials 21 days before your public hearing or action date.

  - c. Two (2) sets of full size plans.

- d. Fifteen (15) sets of plans reduced to 11" x 17", collated and folded to 8 1/2" x 11".
- e. One (1) set of full size reproducible vellums.

Full-size plans submitted should be no larger than 30" x 42".

- ☐ 5. Statistics checked below may be indicated on the site plan or on a separate sheet:
  - ☐ a. Building floor area (measured from the exterior faces of the walls less any areas within the buildings devoted to parking/circulation, malls and similar areas).
  - ☐ b. An inventory of all tenant spaces on the property, listing the address (or suite number), type of business (or other use of the space) and floor area for each.
  - ☐ c. Floor Area Ratio (FAR) calculations, for commercial or industrial projects. When the FAR is proposed to exceed the threshold provided in the General Plan, the applicant shall include information to support the findings required. See Planning Form 36 for details.
  - ☐ d. Building coverage of site.
  - ☐ e. Number of parking spaces, specifying the number of full size, handicapped, and compact spaces.
- 6. Ten (10) copies of a statement of proposed operations and design concept. The statement shall be prepared as a letter separate from the information required on the application forms. This statement shall include, if applicable, the hours and days of operation, a detailed description of the activities proposed under this project, and a description of the proposal.
- ☐ 7. This project will be subject to the requirements of Article 21.7, Inclusionary Housing, of the Fremont Municipal Code. The Inclusionary Housing Ordinance generally requires that 15% of the units within your project be made affordable. Details and specifics of the ordinance requirements are available at the Development Services Center, Office of Housing and Redevelopment and on line at [www.Fremont.gov](http://www.Fremont.gov). Your project proposal should include a brief written statement as to how you propose to comply with the provisions of the ordinance and identify the proposed location of affordable units within the project.
- ☐ 8. A material and color sample board with an overall size no larger than 11" x 17". The sample board shall include exterior finish material and colors for all visible surfaces including ground paving, walls, roofs, glazing systems, etc. The manufacturer's or supplier's names along with the color code and model numbers for each material or color shall be included on the material and color board. Any additional information necessary to clearly identify the specific materials proposed to be used shall also be included. Both finish and color shall be labeled and keyed to the elevations.

- 9. A statement signed by the applicant indicating whether the project site is found on the Hazardous Waste and Substances Sites List pursuant to California Government Code Section 65962.5 (Planning Form 28).
- 10. Complete the Impervious Surface Area Calculation Sheet.
- 11. A statement of Best Management Practices (BMP's) appropriate for the proposed development to prohibit pollutants from entering into storm water runoff. The BMP statement shall include measures for construction, long term operation, and maintenance of the project.

**Hearing Notification:** The City will notify all property owners, as well as business and residential tenants within the appropriate radius from your project site. Most projects require a 300-foot radius, while some require a 1,000-foot radius based on the sensitivity of the project and the level of community input anticipated or required.

As with all other costs, you will be billed for staff time to research, create and label the required postcards. If the public hearing is delayed for an extended period of time after notices for your project have been mailed, you will be charged the cost to re-mail postcards.

**Materials:** The remainder of the noticing costs are for the price of materials, including cardstock, labels and stamps. We estimate materials to cost **44 cents per postcard**.

**Example:** If there were 85 notices mailed for your project (the average number of notices for planning projects), your costs will be:

1/2 hour staff time	\$28.00
85 Postcards @ 44 cents each	\$37.40
TOTAL COST	\$65.40

**Schedule Time Line:** When a complete application is submitted, a file will be prepared. The applicant will be notified by mail as to who the project Planner is within approximately one week of submittal. Staff from the Planning, Building, Police and Fire Departments at the City Technical Coordinating Committee (CTCC) meeting will review the project. The CTCC will determine if the project meets general ordinance and policy requirements as well as to determine the project's completeness. The project Planner will schedule a meeting with the applicant to discuss the project approximately three weeks from the date of project submittal. The applicant will be notified of the date and time of the meeting by letter once the project has been assigned. Any issues identified by the CTCC or staff planner will be discussed during the applicant meeting. If additional information or revised materials are required, it must be submitted at least 21 days before the Planning Commission hearing date to allow time for staff review.

**The Planning Commission Hearing:** The Planning Commission is a seven-member board appointed by the City Council. The Planning Commission reviews projects such as Conditional Use Permits, Tentative Parcel Maps, Tentative Tract Maps, Findings and Preliminary Grading Plans. The Commission is the first reviewing body for applications such as Planned Districts, General Plan Amendments and Zoning Text Amendments prior to review by the City Council. The applicant and other project representatives should attend the Commission hearing, even if

the project is a consent item, as the Planning Commission could determine your project requires discussion prior to taking action.

**Appeals of Planning Commission Action:** Appeals of Planning Commission action are considered by the City Council. Appeals to the City Council must be submitted in writing to the City Clerk within 10 calendar days of the Planning Commission action. Your appeal letter must be accompanied by a \$50 appeal fee and must set forth (a) the specific action appealed from, (b) the specific grounds of the appeal and (c) the relief or action sought from the City Council. For additional details regarding appeals to the City Council, contact the City Clerk's office, 39100 Liberty Street, Fremont, CA 94538, phone: (510) 494-4620.

**Incomplete Applications:** An application is considered to be incomplete if any of the items checked on this information sheet have not been included. Processing of the application will be delayed until the submittal is determined to be complete.

### **Development Impact Fees:**

#### ***Commercial and Industrial Buildings***

Development impact fees may be assessed if your project involves new construction or additional floor area. If the project involves a change of use in a building, development impact fees may also be assessed. For example, a change from a warehouse to an industrial classification or a change from retail to an office would require Development Impact Fees be paid. A credit will be applied to the value of fees for the previous use category and a charge will be applied for the fees of the new use category. There are three categories of Development Impact fees assessed for commercial and industrial buildings: Traffic, Capital Facilities and Fire Protection Fees.

#### ***Residential Developments***

New residential dwellings (single family and multi-family projects) always trigger payment of Development Impact Fees. In addition to the fee categories assessed for commercial and industrial buildings, new residential construction also requires the payment of Park Facilities and Park Dedication In-Lieu fees.

For further information on Development Impact Fees, please refer to the Development Impact Fee schedule available in the Development Services Center or speak with a Development Services staff member.

Fees: The minimum deposit is \_\_\_\_\_ and is due at the time of submittal. The actual charge will be based on staff time required to process the application, including any appeal. Progress billings will be invoiced during the review of the project if charges exceed the minimum deposit. A refund will be invoiced at the completion of the project review if excess funds have been paid.

In addition, payment of citywide development impact fees may be required as a condition of approval for your project.

Requirements described on this sheet are subject to change. If you need additional information or clarification to prepare your submittal please contact the staff person who furnished you this sheet for further assistance.

Information sheet furnished by: \_\_\_\_\_ Phone: (510) 494- \_\_\_\_\_

for proposal: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_